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ROBERT HUNTER BIDEN

UNITED STATES DISTRICT COURT

CENTRAL DISTRICT OF CALIFORNIA - WESTERN DIVISION

ROBERT HUNTER BIDEN, an
individual,

Plaintiff,

vs.

PATRICK M. BYRNE, an individual,

Defendant.

Case No. 2:23-cv-09430-SVW-PD

Hon. Stephen V. Wilson

**PLAINTIFF ROBERT HUNTER
BIDEN'S NOTICE OF MOTION
AND MOTION FOR FURTHER
SANCTIONS AGAINST
DEFENDANT PATRICK M. BYRNE
BASED ON THE COURT'S
AUGUST 5, 2025 ORDER
DECLINING TO GRANT DEFAULT
JUDGMENT; CONTINUING
TRIAL; AND REOPENING
LIMITED DISCOVERY FOR
PLAINTIFF**

*[Declarations of Bryan M. Sullivan and
Richard Harpootlian; and [Proposed]
Order filed and served concurrently
herewith]*

Date: September 22, 2025
Time: 1:30 p.m.
Dept.: Courtroom 10A

Complaint Filed: November 8, 2023
Trial Date: October 14, 2025

1 **PLEASE TAKE NOTICE** that Plaintiff Robert Hunter Biden (“Plaintiff”), by
2 and through his attorneys of record, on September 22, 2025 at 1:30 p.m., in Courtroom
3 10A of the above entitled Court, Plaintiff will and hereby does move for an order for
4 monetary sanctions against Defendant Patrick M. Byrne (“Defendant”) in the amount
5 of \$34,969.20, which represents the costs for travel, accommodation, and meals for
6 Plaintiff’s counsel to travel from their various locations to Los Angeles, California for
7 the July 29, 2025 trial. Substantial good cause exists for such sanctions because, as set
8 forth in detail in the Court’s August 5, 2025 Order Declining To Grant Default
9 Judgment; Continuing Trial; And Reopening Limited Discovery For Plaintiff (the
10 “August 5 Order”), Defendant “[h]e is the one who caused the delay of trial” and that
11 Defendant’s conduct “reflect[ed] a cavalier attitude at best and bad faith at worst....”
12 Further, as this Court recognized in the August 5 Order, “Defendant’s delay of trial
13 likely caused Plaintiff to incur significant legal costs” and this Court invited Plaintiff to
14 make this motion for sanctions.

15 On August 12, 2025, counsel for Plaintiff sent an email to Michael Murphy, Esq.
16 via email, as required by the Central District of California Local Rules and the Court’s
17 August 5, 2025 Order Declining To Grant Default Judgment; Continuing Trial; And
18 Reopening Limited Discovery For Plaintiff (ECF No. 311) informing Mr. Murphy of
19 the grounds for this Motion. Attached hereto as **Exhibit “A”** is a true and correct copy
20 of that notice email. Mr. Murphy refused to participate in any meet and confer and
21 refused to forward the meet and confer request to Defendant and Defendant is
22 proceeding pro se.

23 Plaintiff notes that, under Local Civil Rules 1-3 and 83-2.2.3, as a pro se
24 defendant, Defendant is bound by the local rule and required to comply with them.
25 Further, Local Civil Rule 83-2.4 requires Defendant to provide, in writing, the Clerk of
26 Court with Defendant’s current contact information and Defendant has been ordered by
27 this Court to do so, but has failed to do so despite Mr. Murphy stating that he provided
28 Defendant with notice of such order.

1 This Motion is based upon the accompanying Memorandum of Points and
2 Authorities, the August 5 Order, the declarations of Bryan M. Sullivan and Richard A.
3 Harpootlian as well as all exhibits filed concurrently herewith, the pleadings and other
4 documents on file with the Court, oral argument at the time of the hearing, and upon
5 such further matters that the Court may consider in ruling of this Motion.

6
7 Dated: August 25, 2025

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19 *Attorneys for Plaintiff*
20 *Robert Hunter Biden*

MEMORANDUM OF POINTS AND AUTHORITIES

I. INTRODUCTION

Plaintiff Robert Hunter Biden (“Plaintiff”) and his legal counsel were ready, willing, and able to commence trial in this matter on July 29, 2025 as scheduled by the Court on March 17, 2025. Indeed, all six members of Plaintiff’s defense team (four attorneys and two paralegals) traveled to Los Angeles, California from the east coast, stayed in hotel rooms, and paid for meals and ride shares in anticipation of the July 29, 2025 trial. Declaration of Bryan M. Sullivan (“Sullivan Decl.”), ¶ 3; Declaration of Richard A. Harpootlian (“Harpootlian Decl.”), ¶ 3. However, on that morning, Defendant Patrick M. Byrne (“Defendant”) engaged in misconduct by playing a shell game with his attorneys that culminated in what the Court described as a “circus” on the morning of July 29, 2025 that wasted the Court’s time, that of the potential jurors for this trial, and rendered all of the costs that Plaintiff’s trial team incurred to be present at trial that morning. ECF No. 311.

While the Court sanctioned Defendant by permitting Plaintiff to engage in limited discovery into Defendant’s financial condition in its August 5, 2025 Order Declining To Grant Default Judgment; Continuing Trial; And Reopening Limited Discovery For Plaintiff (the “August 5 Order”), the Court also invited Plaintiff to make an additional motion for sanctions. *Id.* The Court made this invitation because, as the Court stated in the August 5 Order, “Defendant’s delay of trial likely caused Plaintiff to incur significant legal costs.” *Id.* Indeed, Plaintiff did incur significant costs relating to the July 29, 2025 trial date totaling \$34,969.20. Sullivan Decl., ¶ 2; Harpootlian Decl., ¶ 2. Those costs include the flights for six members of Plaintiff’s legal team, hotel accommodations for all six people, costs for ride sharing trips from the airport to the hotel and to and from Court, and meals during the week of July 27, 2025. *Id.* Defendant’s conduct on July 29, 2025 rendered those costs useless and, considering the Court’s finding that Defendant engaged in misconduct, Defendant should be ordered to reimburse Plaintiff for those costs.

1 **II. BACKGROUND**

2 After months of delay and multiple pretrial conferences, jury selection and trial
3 of this case was set to begin on July 29, 2025 and Plaintiff and his trial team were present
4 in the courtroom ready, willing and able to commence trial having traveled from the
5 east coast for the trial. ECF No. 311; Sullivan Decl., ¶ 2; Harpootlian Decl., ¶ 2. But
6 Defendant and his counsel since nearly the commencement of this action, Michael
7 Murphy, were not present and neither was Peter Ticktin, whose *pro hac vice* application
8 had been approved the previous week. ECF No. 311.

9 Instead, three new lawyers appeared for Defendant for the first time that day
10 (ECF No. 311, p. 3): (i) Thomas Yu, whose practice focuses exclusively on defending
11 law enforcement officers in lawsuits arising from the use of force or in disciplinary
12 proceedings;¹ (ii) Eric Neff, formerly was a Los Angeles County prosecutor, who was
13 placed on administrative leave and later left the District Attorney's office after bringing
14 false charges against a Michigan-based company that makes software for election
15 offices, which company obtained \$5 million settlement from Los Angeles County for
16 that baseless prosecution;² and (iii) Stefanie Lambert, who has a history of misconduct
17 and who is under felony indictment in Michigan, charged with computer crimes related
18 to election tabulators, resulting in the Court denying her motion for admission *pro hac*
19 *vice* (ECF No. 310).

20 Despite representing that they were all familiar with the case file, the Court noted
21 that they were not very familiar with the case and later that day Mr. Yu informed the
22 Court that, after the Court denied Ms. Lambert's application, Defendant informed Mr.
23 Neff and Mr. Yu that they were not authorized to serve as lead trial counsel without Ms.
24 Lambert and thus had to remove themselves from the case and asked for a trial
25 continuance. ECF No. 311, p. 3. The Court noted, "This is really like a three-ring
26

27 ¹ See <https://www.tomyulaw.com/>

28 ² See <https://www.nbclosangeles.com/investigations/la-county-pays-5-million-to-settle-alleged-baseless-prosecution-of-voting-software-provider/3319783/>

1 circus.”³ 7/29/2025 Transcript at 35:1.

2 The Court then ordered Defendant to show cause why he should not be placed in
3 default the next day. ECF No. 311, p. 3. While the Court did not place Defendant in
4 default, the Court found that “Defendant’s conduct is worthy of sanction” because
5 “Defendant defied a court order” for Defendant to appear in Court on July 30, 2025 at
6 9:30 a.m., and that Defendant delayed this case and did so without good reason.” ECF
7 No. 311, p. 7. Indeed, the Court stated that “Defendant’s decisions—firing Mr. Murphy,
8 choosing Ms. Lambert as his replacement, and dismissing Mr. Yu and Mr. Neff after
9 her disqualification—reflect a cavalier attitude at best and bad faith at worst.” ECF No.
10 311, pp. 6-7. As sanctions, the Court permitted Plaintiff to conduct discovery into
11 Defendant’s financial condition to obtain evidence to support a punitive damages
12 award. ECF No. 311, pp. 1 and 11.

13 In addition, the Court stated “that Defendant’s delay of trial likely caused
14 Plaintiff to incur significant legal costs” and invited Plaintiff to make the appropriate
15 motion for monetary sanctions. ECF No. 311, pp. 9 and 11.

16 **III. ARGUMENT**

17 “The inherent powers of federal courts are those which are necessary to the
18 exercise of all others,” including “the well-acknowledged inherent power . . . to levy
19 sanctions in response to abusive litigation practices.” *Roadway Express, Inc. v. Piper*,
20 447 U.S. 752, 764–65, 100 S.Ct. 2455 (1980) (internal quotation marks omitted); *see*
21 *also Goodyear Tire & Rubber Co. v. Haeger*, 581 U.S. 101, 107, 137 S.Ct. 1178 (2017)
22 (that “[f]ederal courts possess certain ‘inherent powers,’ not conferred by rule or statute,

23
24 ³ But the “circus” that occurred the morning of July 29, 2025, was not the first time
25 Defendant engaged in misconduct in this case that has caused the trial in this case to be
26 delayed. As set forth in detail in the November 22, 2024, Plaintiff Robert Hunter
27 Biden’s *Ex Parte* Application For An Order Granting Sanctions Against Defendant
28 And/Or An Adverse Inference Instruction (ECF No. 151) (and the evidence submitted
in support of both documents), from August 20, 2024, through the first Final Pre-Trial
Conference in this matter on November 25, 2024, Defendant acted to frustrate
Plaintiff’s efforts to depose Defendant. Indeed, the Court said Defendant’s reasons for
the continuance and delaying the deposition were “fraudulent” and “fantastic without
believability” and that they were “a fraud upon the Court.”

1 ‘to manage their own affairs so as to achieve the orderly and expeditious disposition of
2 cases.’ [Citation omitted].”). Indeed, the Supreme Court has long made clear that
3 “[c]ourts of justice are universally acknowledged to be vested, by their very creation,
4 with power to impose silence, respect, and decorum, in their presence, and submission
5 to their lawful mandates. [Citation omitted].” *Chambers v. NASCO, Inc.*, 501 U.S. 32,
6 43, 111 S.Ct. 2123, (1991). Among the inherent powers recognized by the Supreme
7 Court is the power “to fashion an appropriate sanction for conduct which abuses the
8 judicial process.” *Goodyear*, 581 U.S. at 107 (quoting *Chambers*, 501 U.S. at 44–45).

9 Sanctions for bad faith conduct “must be compensatory rather than punitive in
10 nature” and “counts as compensatory only if it is calibrated to the damages caused by
11 the bad faith acts on which it is based.” *Goodyear*, 581 U.S. at 107 (citing *Mine Workers*
12 *v. Bagwell*, 512 U.S. 821, 826–30, 114 S.Ct. 2552 (1994)). Therefore, “[a] sanctioning
13 court must determine which fees were incurred because of, and solely because of, the
14 misconduct at issue (however serious, or concurrent with a lawyer's work, it might have
15 been).” *Id.*

16 Here, as set forth extensively in the August 5 Order, the Court found that
17 Defendant engaged in bad faith conduct that caused the July 29, 2025 trial to be delayed
18 to October 14, 2025. As a result of this delay Plaintiff unnecessarily incurred costs to
19 have his legal team travel from the east coast of the United States to California for the
20 trial and incur costs for lodging, meals, and ride share travel. Sullivan Decl., ¶¶ 2-3;
21 Harpootlian Decl., ¶¶ 2-3. Due to Defendant’s misconduct that resulted in a
22 continuance of the trial, all of those costs were wasted as Plaintiff must incur those very
23 same costs to have his legal team appear for the October 14, 2025 trial. So, in
24 accordance with the U.S. Supreme Court and Ninth Circuit cases on this issue, Plaintiff
25 requests that the Court further sanction Defendant for his bad faith conduct by ordering
26 Defendant to pay Plaintiff for the travel and accommodation costs incurred in having
27 his legal team travel to California for the July 29, 2025 trial date. These costs total
28 \$34,969.20 and are for the following items:

- a. \$20,95.60 in hotel costs for six people for six days that included a larger room to be used as an office for the trial team.
- b. \$9,233.90 in flights for six people to travel across the country and to change flights to leave earlier after the trial was continued.
- c. \$4,273.70 in meals for six people for six days.
- d. \$1,365.67 in Uber Rides for six people for six days, including airport transportation.

Sullivan Decl., ¶ 3; Harpootlian Decl., ¶ 3.

Plaintiff notes that, while his legal team spent time on Tuesday and Wednesday and Thursday dealing with issues that arose directly from Defendant's misconduct as detailed in the August 5 Order, Plaintiff is only seeking the costs and not any attorney's fees. Further, Plaintiff notes that he incurred other costs in connection with the July 29, 2025 trial date that arguably were unnecessary at that time and may have to be repeated for which he is not seeking reimbursement here because Plaintiff may be able to make use of those items. Examples of these costs were copying trial exhibits and depositions for the July 29, 2025 trial date and having such copies be delivered to the Court and then having to have them picked up from the Court.

Accordingly, Plaintiff has narrowly tailored this sanctions request to the actual costs incurred unnecessarily in light of the trial continuance and that will have to be incurred again for the October 14, 2025 trial date.

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1 **IV. CONCLUSION**

2 For the foregoing reasons, the Court should further sanction Defendant for the
3 misconduct that directly led Plaintiff to unnecessarily incur \$34,969.20 in costs set forth
4 herein.

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6 Dated: August 25, 2025

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